

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

EDWARD ALBERS, and
TAMMY M. NUNLEY,

Plaintiffs,

v.

CIV 11-0092 WJ/KBM

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER GRANTING IFP
&
FOR EXPEDITED PROCEEDINGS

This mandamus matter concerns certain practices of the local Social Security Administration, and the case has been referred to me for a recommendation disposition. *See Doc. 7.*

Plaintiffs have moved to proceed *in forma pauperis* and filed financial affidavits in support. *See Docs. 2, 3.* I find that their financial status is such that Plaintiffs would be unable to pay filing fees or give security for them. Accordingly, they are authorized to proceed in this action without prepayment of fees or security therefor under to 28 U.S.C. § 1915. Counsel for Plaintiffs shall effect service.

Although social security matters and matters “requesting injunctive or other emergency relief” are excluded from the District’s usual pretrial procedures, *see* D.N.M.LR-Civ. 16.3(g) & (r), I ask the parties to contact my chambers as soon as practicable following service in lieu of the Court setting a Rule 16 conference. The Court intends to expedite these proceedings and I would like to consult with counsel concerning a schedule concerning potential discovery, briefing on jurisdiction and the merits, evidentiary hearing, and/or settlement conference settings. *See* D.N.M.LR-Civ. 1.7 (Court’s local rules may be waived by a Judge to avoid injustice”); FED.R.CIV.P. 16(a) (1), (5) (“In any action the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as . . . expediting disposition of the action . . . and facilitating settlement.”); *id.*, 26(f) (“when the court orders otherwise, the parties must confer as soon as practicable . . . before a scheduling conference”).

Wherefore,

IT IS HEREBY ORDERED that Plaintiffs’ motions to proceed *in forma pauperis* (Docs. 2, 3) are GRANTED.

IT IS FURTHER ORDERED that counsel confer and contact my chambers as soon as practicable after service is accomplished.



UNITED STATES MAGISTRATE JUDGE